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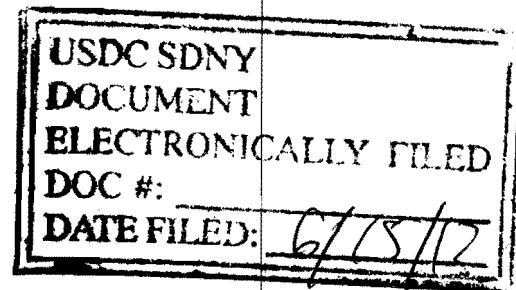
MEMO ENDORSED

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June 12, 2012

VIA FEDERAL EXPRESS, OVERNIGHT DELIVERY

Honorable Thomas P. Griesa
United States District Court for the Southern District of New York
United States Courthouse, 500 Pearl Street
New York, NY 10007-1312



Re: *In re: Tremont Litigation*, Master Docket No. 08-11117 (TPG);
Civil Action No. 10-9252 (TPG)

Dear Judge Griesa,

My firm represents Cummins, Inc. ("Cummins") in the above captioned matter. Cummins' Replies in Support of its Motion for Leave to File a Second Amended Complaint (Docket No. 748, "Motion for Leave") are due to be filed this Friday, June 15, 2012.

Defendants New York Life Insurance Company and New York Life Insurance and Annuity Corporation's (collectively, "NYL") opposition brief (Docket No. 765) argues in part that Cummins' Motion for Leave should be denied on the ground of futility because the proposed Second Amended Complaint is insufficient for the same reasons set forth in NYL's prior Motion to Dismiss (Docket No. 647).

Because Cummins must substantively respond to the arguments raised in NYL's prior Motion to Dismiss, Cummins respectfully believes that it is necessary to file a twenty-five page reply brief—the same length normally afforded when filing a response brief in opposition to a motion to dismiss.

The parties' counsel have conferred and have confirmed that NYL has no objection to Cummins' request and that Cummins, in turn, has no objection to NYL's filing of a ten page brief, by July 16, 2012, addressing Cummins' arguments in response to NYL's prior Motion to Dismiss (i.e., in essence a reply in support of their motion to dismiss).

Accordingly, we respectfully request that the Court:

- Allow Cummins to file a twenty-five page brief in response to NYL's opposition to Cummins' Motion for Leave; and
- Allow NYL to file a ten-page brief, on or before July 16, 2012

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*Approved. Thomas P. Griesa by MM
6/15/12*



Honorable Thomas P. Griesa
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If you have any questions or concerns, please feel free to have your staff contact me.

Very truly yours,

/s/ Sara Siegall

Sara Siegall

cc: Counsel for the above listed parties, via PDF/E-mail